

REMARKS

Claims 1-16 remain pending in this application, and have been amended to define more clearly what Applicant regards as his invention; these changes are for the purposes of clarification only, and no change in scope of the claims is either intended or believed to be effected by the changes. Claims 17-31 have been canceled without prejudice or disclaimer of subject matter. Claim 1 is independent.

Applicant notes with appreciation the Examiner's comment at page 5 of the Office Action that the "cited prior art of record does not teach or suggest the instantly claimed combination of process steps nor what appears to be the intended combination of components of the system."

Claims 1-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, for the reasons provided at pages 2-3 of the Office Action.

First, cancellation of claims 17-31 renders the rejections of those claims moot.

The remaining claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 17-31 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. Cancellation of claims 17-31 renders this rejection moot.

At page 2 of the Office Action, the Examiner states that claims 17-31 conflict with

claims 17-31 of Application No. 10/531,798¹, citing 37 C.F.R. § 1.78(b). Cancellation of claims 17-31 renders this objection moot.

Claims 17-31 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 17-31 of copending Application No. 10/531,798. Cancellation of claims 17-31 renders this rejection moot.

Claims 1-31 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 10/531,798.

First, cancellation of claims 17-31 renders their rejections moot.

Second, Applicant notes that the provisional rejection is not the only rejection remaining in this application, and that Application No. 10/531,798 has not issued. Therefore, pursuant to MPEP § 804.I.B, Applicant may defer response to this issue until such time that it becomes ripe (if ever). Accordingly, Applicant will address this issue at the appropriate time.

¹The Office Action actually refers to Application No. 10/531,799, but since that application is the present application, it is presumed that the Examiner meant to refer to instead Application No. 10/531,798.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted



John Richards
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 31,053
Tel. No. (212) 708-1915